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FISCAL IMPACT REPORT

SPONSOR: Rawson DATE TYPED: 02/03/03 HB _____

SHORT TITLE: Increase Dona Ana Magistrate Court SB 60

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$545.8			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB39 and SB143

SOURCES OF INFORMATION

Responses Received From
 Administrative Office of the Courts (AOC)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 60 amends Section 35-1-10 NMSA 1978 to increase the number of magistrate judges in the Dona Ana magistrate court district from five to six. The bill also appropriates \$381.8 to the Administrative Office of the Courts for salaries and benefits, furniture, supplies and equipment for the additional magistrate judge and for six additional court employees. Other appropriations outlined in SB60 totaling \$163.9 provide for additional resources for the district attorneys and public defenders in the Dona Ana magistrate court district.

The office of the magistrate would be filled by appointment by the governor to begin serving on July 1, 2003. The appointed magistrate will serve until succeeded by the magistrate elected at the general election in 2004 to fill the unexpired term ending December 31, 2006.

The first full term of office of the magistrate in Dona Ana Division 6 will be filled by election at the general election held in 2006 and that term of office will begin on January 1, 2007.

The effective date of the provisions of HB230 is July 1, 2003.

Significant Issues

1. In 1998, the AOC completed an updated and expanded study to provide the Legislature with a methodology for determining the needs for additional judgeships, the Weighted Caseload Study. The study assigns a weight for each type of case. The weight, expressed in minutes, represents the average amount of judge's time necessary to process a case of that type. Each weight is then multiplied by the number of new cases filed per category. Although some judges question this methodology, it is the accepted formula of the Chief Judges Council in determining judgeship needs.
2. The Chief Judges Council reviewed the Weighted Caseload Study and voted to support the one additional magistrate judge requested for the Dona Ana magistrate court district as highlighted in the *Judiciary Unified Budget*. In regards to court staff, the *Judiciary Unified Budget* only recommended five new positions.
3. The district attorney's and public defender's offices were notified of the new magistrate requested so that they had an opportunity to assess and report their respective impacts.

FISCAL IMPLICATIONS

The appropriation of \$545.8 contained in this bill is a recurring* expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

*Part of the appropriations to the Dona Ana magistrate court, district attorney and public defender is specifically for furniture and equipment. These are considered capital items (defined by DFA as purchases over \$1,500) and are a one-time expense. Therefore, a portion of this appropriation must be designated as non-recurring.

Here is a table delineating the appropriation amount to each agency noted in the bill:

DONA ANA MAGISTRATE DISTRICT APPROPRIATIONS

AGENCY:	Appropriation to Court	Appropriation to District Attorney	Appropriation to Public Defender	TOTAL
AMOUNT:	\$381,866	\$75,925	\$88,020	\$545,811

RELATIONSHIP

SB39 proposes a new judgeship for the Third Judicial District Court (in Dona Ana County) along with supplemental funding for the offices of the district attorney and public defender.

SB143, the "judgeship bill," provides for one additional magistrate judge at the Santa Fe magistrate court. The appropriation amount for the judge, supplies, furniture and equipment is \$99,380. It does not contain the additional staffing. There are also appropriations in SB143 in

each of the respective offices for the district attorneys and public defenders affected by the proposed magistrate expansion.

POSSIBLE QUESTIONS

1. Why is a separate bill being presented for a new magistrate in the Dona Ana magistrate district? Typically, all new judges are requested together in the « judgeship bill » pursuant to the *Judiciary Unified Budget*.
2. What is the current caseload per magistrate at the Dona Ana magistrate court? Is caseload increasing, decreasing or flat in this district? In what areas of law do you see the greatest growth in caseload?
3. If funding is provided pursuant to this legislation, does the magistrate courthouse have sufficient space for the additional personnel? What is the status of the courthouse's current lease ?

CMH/yr